



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 20 2014

REPLY TO THE ATTENTION OF:

Angela Lageson, President
Moraine Properties, LLC
5500 Wayzata Boulevard, Suite 800
Golden Valley, Minnesota 55416

Re: 40 Code of Federal Regulations (CFR) §761.61(c) Risk-Based Cleanup and
On-site Disposal of Polychlorinated Biphenyl Remediation (PCB) Waste
Moraine Properties Paper Sludge Dump, City Lot 4268
Soldiers Home-West Carrollton Road, Moraine, Ohio

Dear Ms. Lageson:

The U.S. Environmental Protection Agency has completed its review of the February 2013 application for a Self-Implementing Cleanup and Risk-based Disposal of Polychlorinated Biphenyl (PCB) contaminated paper sludge at the Moraine Properties Paper Sludge Dump (site) in Moraine, Ohio. The site has been enrolled in the Ohio Environmental Protection Agency (OEPA) Voluntary Action Program's (VAP) Pay As You Go (PAYGO) Technical Assistance (TA) program since June 2012 and Moraine Properties has been conducting this remediation under the guidance of the OEPA VAP.

You provided evidence that paper sludge disposal at the site ceased by April 1977. Under 40 CFR §§761.50(b)(3)(i)(A) and (B), sites containing these wastes are presumed not to present an unreasonable risk of injury to health or the environment from exposure to PCBs; however any person responsible for PCB waste at as-found concentrations ≥ 50 ppm who decides to dispose of that waste must comply with 40 CFR §761.61. Therefore, EPA evaluated this plan under 40 CFR §761.50(b)(3)(i) and the PCB risk-based regulations (40 CFR §761.61(c)) since the remedial actions proposed for the pre-1978 materials include offsite disposal, onsite consolidation and disposal, and the installation of a cap over the paper sludge dump which contains PCB up to 580 parts per million (ppm). According to the plan, selected areas of 50 ppm or greater PCB sludge along the perimeter of the paper sludge dump will be excavated to 1 ppm for offsite disposal. Sludge, located along the perimeter of the paper sludge dump, with a PCB concentration less than 50 ppm will be consolidated for disposal within the paper sludge dump.

EPA is granting approval of this application in accordance with Toxic Substances Control Act (TSCA) Section 6(e) and the Federal PCB regulations at 40 CFR §§761.50(b)(3)(i) and 761.61(c) since there are no potable wells on the property, the disposal site is outside of the 500 year floodplain, the higher PCB concentration material (120 to 580 ppm) within the paper sludge dump is located 3 to 12 feet below ground surface (bgs), and no PCB has been detected in the

surface water, sediments or the current well monitoring network. In addition, the PCB concentration of the consolidated sludge will not exceed 50 parts per million (ppm), the disposal site will be capped and fenced, a new groundwater monitoring program will be established once the site is capped, groundwater use will be restricted, the future use of the property will be limited to industrial or commercial ventures, the site will be inspected quarterly and a risk mitigation plan will be established for the site. This approval is subject to the following conditions:

1. You must excavate and perform off-site disposal of paper sludge from the PCB locations identified in the table in Section 6.2 and depicted in Figure 7 (areas 1-5) of your application. After excavating these areas, you must perform verification sampling in accordance with 40 CFR Subpart O of the PCB regulations to confirm that you have met the 1 ppm cleanup goal.
2. All material excavated for consolidation must be placed and contained within the limits of the existing paper sludge dump, not including the areas excavated for off-site disposal.
3. As planned, you must cover the paper sludge dump with at least 2.5 feet to 3 feet of clean fill, at least 2 feet of compacted clay and 0.5 feet of vegetated layer and install Aquablok at the designated final cover cap termination. The compacted clay layer must meet the geotechnical specifications listed in the PCB regulations at 40 CFR §761.75(b)(1)(ii -v). If you modify the cap design specified in this approval, you must seek approval from EPA before installation of the modified cap. You may include a geosynthetic clay layer (GCL) in the cap design without EPA approval.
4. If you disturb the cap and/or the paper sludge underneath the cap for any reason, you must repair the cap immediately and properly dispose of any excavated PCB sludge in accordance with 40 CFR §§761.50(b)(3)(i)(B) and 761.61. You must dispose of the sludge based on its in-situ PCB concentration established through historical data or samples taken before excavation.
5. You must label the fence with an M_L mark as depicted in 40 CFR §761.45.
6. Any decontamination water must be collected and sampled prior to disposal. Water that contains 0.5 parts per billion (ppb) PCB or less may be disposed of without restrictions (40 CFR §761.79(b)(iii)). Water that contains PCB in concentrations up to 3 ppb may be released to a treatment works or to navigable waters or in accordance with a PCB discharge limit included in a permit issued under section 307(b) or 402 of the Clean Water Act (40 CFR §761.79(b)(ii)).
7. The decontamination solids must be collected and sampled prior to their disposal. Solids with a concentration less than 50 ppm PCB may be disposed of in a municipal solid waste facility as specified in 40 CFR §761.61(a)(5)(v)(A)(i) or the other facilities described in 40 CFR §761.61(a)(5)(v)(A). Solids with a concentration of 50 ppm PCB or greater must be disposed of in a TSCA permitted chemical waste landfill or hazardous waste landfill

permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA (40 CFR §761.61(a)(5)(i)(B)(2)(iii)).

8. Prior to its disposal, the decontamination pad must be sampled in accordance with Subpart O of the PCB regulations. If the PCB concentration is less than 50 ppm, it may be disposed of in a municipal solid waste facility as specified in 40 CFR §761.61(a)(5)(v)(A)(i) or the other facilities described in 40 CFR §761.61(a)(5)(v)(A). If the PCB concentration is 50 ppm or greater must be disposed of in a TSCA permitted chemical waste landfill or hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA (40 CFR §761.61(a)(5)(i)(B)(2)(iii)).
9. If you use sheeting as a temporary cap over the existing paper sludge dump, you must dispose of it in a TSCA permitted chemical waste landfill or hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA (40 CFR §761.61(a)(5)(i)(B)(2)(iii)). The sheeting may be disposed of in a municipal solid waste facility if the sheeting is sampled and the PCB concentration determined to be less than 50 ppm.
10. In accordance with 40 CFR §761.61(a)(5)(i)(B)(2)(iv), you must provide the 15 day written notice to each off-site facility that does not have a TSCA PCB disposal approval.
11. You may pursue approval of a groundwater monitoring program, a site maintenance and inspection program, a land use restrictive covenant (environmental covenant) and a financial assurance plan through OEPA provided you submit these plans and documents to EPA for review and comment. These documents must be submitted to EPA prior to the formal submittal of the No Further Actions Letter under the OEPA VAP and within 90 days from the date of completing the remediation and closure activities at the site.
12. You must submit the Remedial and Closure Activities Report, the Post-Closure Property-Specific Risk Assessment, the Operation and Maintenance Agreement and the Risk Mitigation Plan to EPA within 90 days from the date of completing the remediation and closure activities at the site.
13. The financial plan you submit to EPA for review, must include the financial information you used to determine the maintenance and monitoring cost for the remedy required under this PCB approval.
14. You must provide proof of the financial assurance to EPA within 30 days of establishing the financial assurance funding instrument for this site.
15. Within 30 days of executing and recording the environmental covenant, you must submit a copy of the recorded covenant to EPA.
16. You must notify EPA of activities pertaining to the paper sludge dump, including but not limited to, any change of ownership of the property (excluding mortgages, liens and other non-possessory encumbrances), any planned or actual development, any application for

and/or actual changes to any land use restriction or control pertaining to the paper sludge dump, any changes in financial assurance at least 30 days before such activities take place.

This approval does not relieve the site owner from compliance with any other federal, state or local regulation and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, suspension, or termination of the approval for any violation of federal regulations, or requiring additional cleanup should Moraine Properties fail to comply with the approval conditions. Any departure from the conditions of this approval or the provisions of the February 2013 application must receive prior written authorization from this office. All conditions of this approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the site after any transfer in ownership.

Please submit the plans and documents required by this approval to Jean Greensley, of my staff. If you have any questions, you may contact her at 312-353-1171 or greensley.jean@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Guerriero', with a stylized, flowing script.

Margaret M. Guerriero
Director
Land and Chemicals Division

cc: Joe Smindak, OEPA
Steve Gross, Hull and Associates, Inc.